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09/089,162	06/02/98	KOTSUKI	K ASAMU-3520.0

SPENCER & FRANK
1100 NEW YORK AVE NW
SUITE 300 EAST
WASHINGTON DC 20005-3955

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EXAMINER

GRANT II, J

ART UNIT

PAPER NUMBER

2724

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/089,162

Applicant(s)
Kotsuki et al.

Examiner
Grant

Group Art Unit
2724



☒ Responsive to communication(s) filed on Dec 18, 1998

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-8 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-8 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Informality

1.

In claim 7, beginning at the seventh line from the bottom, the claim should read in part, "... transmitting through the interface means, the caller telephone number for transmitting through the interface means..."

Correction is required.

Detailed Action

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archibald in view of Japanese publication 0913972A.

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With respect to claim 1, Archibald teaches a communication apparatus, shown by figure 2, comprising: a line control means (CPU 210 in combination with off-hook relay 260) for conducting a line control operation; caller information detecting means (DCE which is digital communication equipment identified at col. 2, lines 52-57) for detecting a caller telephone number (see col. 2, lines 52-57) notified to a call receiver (such as a computer according to 48-50 and 56) by a telephone notification service which places the call from telephone network 130; interface means (DTE interface 270) for controlling serial communication with the personal computer (150); central control means (CPU 210) for transmitting the caller telephone number detected by the DCE, according to col. 2, lines 52-57, through the DCE interface 270 for causing a telephone computer directory application in the personal computer 150 (see lines 52-54).

What Archibald fails to teach is that the computer 150 specifically has a display to display services. It can be presumed that the computer 150 does have a display since a computer consists of at least a keyboard, control unit, processors, memory and a monitor. But assuming arguendo, Japanese publication 09139792A specifically shows a computer 2 with a display 36 for displaying services obtained from fax 1.

Since Archibald and Japanese publication 0913972A are both directed to an image communication apparatus utilizing a computer, the purpose of a computer having a display would have been recognized by Archibald. It would have been obvious to one of ordinary skill in the art to replace the computer 150 of Archibald with the computer 2 shown by Japanese publication 0913972A for the purpose of displaying different services.

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With respect to claim 2, Archibald teaches a interface means (DTE interface 270) for establishing connection to a personal computer (150); a handset, attached to the lead 201 of figure 2; means for closing the telephone linen in accordance with a state of the handset (via off hook relay 260); off-hook detecting means (via telephone network 130 according to col. 5, lines 40-43) for detecting an event that a telephone line is set to an off-hook state at the initiation of a communication; a central control means (CPU 210) for transmitting information of the detection from the off hook detecting means (130) to a directory application initiation request means (sensor 220) for assisting in the storage of number of caller list integrally included in the personal computer (150). See also col. 5, lines 30-33 and 40-48.

With respect to claim 4, Archibald teaches a communication apparatus as shown by figures 1 and 5, comprising: a line control means connected to a telephone line for conducting a line control operation including a dialing operation (CPU 210 in combination with off hook relay 260); a central control means (CPU 210); off hook detecting means for detecting an event that the telephone line is set to an off-hook state at the initiation of communication, (off-hook relay 260); caller information detecting means (CPU 210) for detecting a caller telephone number notified to a call (see col. 5, lines 30-33) receiver by a caller telephone number notification service (211); and interface means (DTE interface 270) for controlling a serial communication with a personal computer (150) wherein the central control means transmits information through the DTE

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interface and information of the detection from the off-hook detecting means (network 130) to director application initiation request means (220 for storing number of a caller list) to a computer (150).

With respect to claim 5, Archibald teaches a communication apparatus as shown by figures 1 and 5, comprising: a line control means connected to a telephone line for conducting a line control operation including a dialing operation (CPU 210 in combination with off hook relay 260); a central control means (CPU 210); off hook detecting means for detecting an event that the telephone line is set to an off-hook state at the initiation of communication, (off-hook relay 260); bell signal detecting means (terminal 110) for detecting a bell signal received from the telephone line (or line 201 according to col. 5, line s 38-40) and outputting information of the detection- see also step 355 of figure 3; caller information detecting means (CPU 210) for detecting a caller telephone number notified to a call (see col. 5, lines 30-33) receiver by a caller telephone number notification service (211); and interface means (DTE interface 270) for controlling a serial communication with a personal computer (150) wherein the central control means(CPU 210) transmits information of the detection from the off-hook detecting means (network 130) to director application initiation request means (220 for storing number of a caller telephone number) to a computer (150) through the DTE interface. CPU 210 detects ring signals, see col. 6, lines 30-35 and detects and generates signals indicative of the off-hook status, see figure 2. Also the

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directory application request means is the signal (213) generated from CPU (210) to access caller party information stored in memory (220).

3. Claims 6 - 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archibald in view of the Well Known Prior Art M.P.E.P. 2144.03

With respect to claim 6, a line control means connected to a telephone line for conducting a line control operation including a dialing operation (CPU 210 in combination with off hook relay 260); a central control means (CPU 210) for transmitting through the line interface (DTE interface 270) for controlling serial communication with computer ;CPU 210 for initiating a request such as the application software initiation request for a computer 150 by means of a

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digital signal processor 230 and control means(CPU 210) transmits information of the detection from the off-hook detecting means (network 130) to director application initiation request means (220 for storing number of a caller list) to a computer (150).

Archibald teaches all of the subject matter upon which the claims depend except for the specific teaching of the specific application initiations software being contained in computer 150, and a computer for displaying an associated caller telephone number.

With respect to the first limitation, it would have been obvious or would have been well known to one of ordinary skill in the art to install an application program is desired by an operator. It is clear that Archibald has made the invention compatible with computer (150) and is within reason that the computer could be used for supplying application program by means of device (200) or that such software could be loaded exclusive of device 200.

With regard to the second limitation, as stated previously, Archibald fails to teach that computer 150 is connected to a screen. It is presumed that it could have a display since a computer consists of at least a keyboard, control unit, processors, memory and a monitor. But assuming arguendo, Japanese publication 09139792A specifically shows a computer 2 with a display 36 for displaying services obtained from fax 1.

Since Archibald and Japanese publication 0913972A are both directed to an image communication apparatus utilizing a computer, the purpose of a computer having a display would have been recognized by Archibald. It would have been obvious to one of ordinary skill in the art

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to replace the computer 150 of Archibald with the computer 2 shown by Japanese publication 0913972A for the purpose of displaying different services.

With respect to claim 7, Archibald teaches a line control means connected to a telephone line for conducting a line control operation including a dialing operation (CPU 210 in combination with off hook relay 260); bell signal detecting means (terminal 110) for detecting a bell signal received from the telephone line (or line 201 according to col. 5, lines 38-40) and outputting information of the detection- see also step 355 of figure 3; a central control means (CPU 210); off hook detecting means for detecting an event that the telephone line is set to an off-hook state at the initiation of communication, (off-hook relay 260); caller information detecting means (CPU 210) for detecting a caller telephone number notified to a call (see col. 5, lines 30-33) receiver by a caller telephone number notification service (211); a personal computer (150) which can be programed to contain directory application software; (DTE interface means 270) for controlling a serial communication with the personal computer 150; CPU 210 as the control means for initiating a request such as the application software initiation request for a computer 150 by means of a digital signal processor 230 and control means(CPU 210) transmits information of the detection from the off-hook detecting means (network 130) to director application initiation request means (220 for storing number of a caller list) to a computer (150). CPU 210 detects ring signals, see col. 6, lines 30-35 and detects and generates signals indicative of the off-hook status,

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see figure 2. Archibald teaches transmitting a caller telephone number to a computer 150 as it is transmitted by means of DTE interface 270. See also col. 2, lines 52-54. Also the directory application request means is the signal (213) generated from CPU (210) to access caller party information stored in memory (220).

Archibald teaches all of the subject matter upon which the claims depend except for the specific teaching of the specific application initiations software being contained in computer 150.

However, it would have been obvious to one of ordinary skill in the art, in view of col. 3, lines 58-61 of Archibald, where it discusses the use of software to run the system, to use any software which is compatible with computer 150 and to program the software for identifying the telephone numbers of the caller parties so that they can be displayed on a screen. The installation of software to achieve different functions would have been obvious to the skilled artisan. It is clear that Archibald has made the invention compatible with computer (150) and is within reason that the computer could be used for supplying application program by means of device (200) or that such software could be loaded exclusive of device 200. See also col. 3, lines 58-61 which addresses the use of software for the DCE.

With respect to claim 8, Archibald teaches a communicating apparatus shown by figures 1 and 4, comprising: a modem 200 (also shown by figure 1) to connect an external device (computer 150) for conducting data communications; DSP 130 as the means for switching between a

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making connections between the receiver side and the caller side; off hook detection means 260 (having a voltage between a chip wire and a ring wire (inherent when considering the manufacturing of the relay 260, CPU 210 detects ring signals, see col. 6, lines 30-35 and detects and generates signals indicative of the off-hook status, see figure 2; bell signal detecting means (terminal 110) for detecting a bell signal received from the telephone line (or line 201 according to col. 5, lines 38-40) and outputting information of the detection- see also step 355 of figure 3; hybrid circuit 240 for switching the changing connections between the receiver and the transmitter, see figure 2; caller information detecting means (DCE which is digital communication equipment identified at col. 2, lines 52-57) for detecting a caller telephone number (see col. 2, lines 52-57) notified to a call receiver (such as a computer according to 48-50 and 56) by a telephone notification service which places the call from telephone network 130; control means CPU 210 in combination with DTE interface 270 for establishing a connection to a personal computer (150); control means (CPU 210) transmits information of the detection from the off-hook detecting means (network 130) to director application initiation request means (220 for storing number of a caller list) to a personal computer (150) by means of DTE interface 270, wherein the personal computer (150) which can be programed to contain directory application software - CPU 210 for initiating a request such as the application software initiation request for a computer 150 by means of a digital signal processor 230; and Also the directory application request means is the signal (213) generated from CPU (210) to access caller party information stored in memory (220).

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Archibald teaches all of the subject matter upon which the claims depend except for : 1) the specific teaching of the specific application initiations software being contained in computer 150; 2) ; the receiver and caller side amps.; 3) the microphone and speaker for hands off use; and 4) an amplifier for the microphone.

With regard to the first limitation, it would have been obvious or would have been well known to one of ordinary skill in the art to install whatever application program is desired by an operator. It is clear that Archibald has made the invention compatible with computer (150) and is within reason that the computer could be used for supplying application program by means of device (200) or that such software could be loaded exclusive of device 200.

With regard to the second limitation, the examiner contends that the receiver and caller side amplifiers are set forth with the digital signal processor 230. Although the specifics of the DSP 230 are not shown by Archibald, it is well known in the art to use amplifiers for increasing the gain of a signal. This has specific purpose regarding signal processing which is clearly provided by the DSP 230 shown by Archibald.

With regard to the third limitation, microphone and speaker as referred to in the claim . Archibald teaches interacting with a telephone, but the specifics of the telephone are not disclosed. The feature of the claim refers to a telephone set which is a type of headphone set,

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much like telephone company operators or air traffic controls use when they must use their hands for interacting with a computer, for example. Thus, it is well known in the art to replace a hands free headphone type telephone, in place of the conventional telephone where the receiver must be held by an operator's hand. It is well known in the art that headphones type telephones may facilitate the use of freeing the operator's hands for other uses like interacting with computer via a keyboard.

With regard to the fourth limitation, that is the amplifier in the microphone, this is a limitation which is typical of hands free telephone headsets which have been previously described. But not only do hands free type telephones use amplifiers for amplifying signals obtained from the mouth piece (microphone) but also conventional telephone use amplifiers for amplifying voice signals obtained from the mouth piece. Therefore, it would have been obvious or well known in the art to use an amplifier in a microphone circuit for the purpose of amplifying an operator's voice signals.

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Archibald in view of Japanese publication 0913972A further in view of Hirota.

With respect to claim 3, Archibald in view of Japanese publication 0913972A teaches a interface means (DTE interface 270) for establishing connection to a personal computer (150); operation means means for closing the telephone line in accordance with initiating a facsimile communication; off-hook detecting means (via telephone network 130 according to col. 5, lines 40-43) for detecting an event that a telephone line is set to an off-hook state at the initiation of a communication; a control means (CPU 210) for transmitting information of the detection from the off hook detecting means (130) to a directory application initiation request means (sensor 220) for assisting in the storage of number of caller list integrally included in the personal computer (150). See also col. 5, lines 30-33 and 40-48.

What Archibald does not teach is an image reading means for facsimile communication.

Hirota teaches an image reader 50 provided for a facsimile machine as shown by figure 6.

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Since Archibald teaches a communication apparatus communicable with a terminal 110, as shown in figure 1, for example, the purpose of providing an image reading means for a facsimile communication would have been recognized by Archibald as clearly suggested by Hirota.

It would have been obvious to one of ordinary skill in the art to replace the terminal equipment 110 as shown by figure 1 of Archibald, with a facsimile machine having a image reading means as clearly suggested by Hirota as shown in figure 6, for the purpose of providing a facsimile machine interacting with a computer, as taught by Archibald. See figure 1.

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Examiner's Remarks

With respect to applicant's comment found at page 15, fifth line from the bottom of the page, applicant contends that Archibald does not disclose detected a telephone number of an incoming call which is to be sent to a personal computer.

The examiner disagrees. At page 4, beginning at line 20, the reference refers to a CPDN as a telephone number of the caller. At col. 4, lines 36 - 40, a calling party, terminal 110 initiates a call in order to access computer 150. At col. 4, lines 62-69, modem 200, shown in figure 1, receives an incoming signal which includes two unique signals. One of which is a representative of the CPDN. Modem 200 is the unit which compares the telephone number of the calling party with a list of numbers for approval to be able to access the computer. At col. 5, lines 44-48, it states that, "After answering the telephone call and completing the call establishment sequence with modem 120, modem 200, via data terminal equipment interface 270, provides a data stream on lead 151 to computer 151." The examiner contends that the telephone number of the called party whose telephone number was stored on list 220, constitutes "data". The data stream sent by the remote terminal contains an identification of the party who sent the message, ie. The CPDN signal. Moreover, a modem 200 could be included within the computer 150 although for illustrative purposes, the modem was shown as distinct because the invention of Archibald emphasizes the features of the modem as opposed to the computer.

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With regard to applicant's argument regarding claim 2, found at page 16, applicant argues Archibald does not teach a central control means. The examiner disagrees. At least CPU 210 serves as a central control means. See figure 2.

With respect to applicant's argument found at page 17, regarding claim 4, applicant contends that Archibald does not disclose that detection information is sent to a telephone directory.

The examiner disagrees. For at least the reason that col. 5, lines 30-49 teaches CPDN as detected information. In other words, CPDN (the calling party's destination number) is detected and compared with a list of numbers stored in directory (memory 220) as shown by figure 2. The CPDN number is compared with numbers stored in memory 220. Thus, applicant's argument is traversed.

In the first full paragraph of page 18, the last five lines, applicant argues that no data is transmitted over the interface to a computer. The examiner disagrees strongly. See col. 5, lines 44-47 which addresses this argument directly.

With respect to applicant's comment found at page 20, it is alleged that Hiroto does not overcome any of the deficiencies of Archibald. Applicant has not named the deficiencies alleged that Archibald does not overcome. Applicant has not shown how claim 3 is not obvious over Archibald in view of Hiroto. Applicant presumes claim 3 is non-obvious since claim 1 is alleged as not obvious. This argument is not persuasive. For at least the reason that claim 3 has been identified by applicant and includes some remarks with respect to the claim, applicant should precisely indicate what is alleged as not shown by the prior art. The examiner made a new

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grounds of rejection with respect to claim 1, it appears to the examiner that applicant could have supplied remarks with respect to how claim 3, in addition to the limitations of claim 1 are not obvious. In any event, the examiner maintains his position.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is (703) 305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore, can be reached on (703) 308-7254. The fax phone number for this Group is (703) 306-5406.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

J. Grant II

Feb. 21, 1999